IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.2883/07
Tek Chand Kataria
Vs.
ADJ & Ors.

27.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Sunil Kumar Sharma for petitioner.
Shri M.M. Ranjan for respondent.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 23.2.2007 whereby his application in the civil suit in which he was plaintiff filed u/s. 151 CPC praying for injunction to the effect that the defendant respondent be restrained from making commercial use of the land in dispute was rejected.

The learned trial court in the impugned order has referred to the earlier order dated 25.8.2004 whereby the temporary injunction application of the plaintiff was rejected. The aforesaid order has been produced for my perusal by learned counsel for the respondent. On perusal of that order, it is found that the Court noted that the disputed property came to share of Yudhistir from whom defendant respondent purchased the same. The Court therefore did not find any prima facie case in favour of the plaintiff. On the subject matter the petitioner filed the aforesaid application and prayed for another injunction order though worded differently. The learned counsel for the petitioner sought to make a distinction

between the earlier application and the application filed now u/s. 151 CPC.

I am however not inclined to uphold his argument. This Court in State of Raj. Vs. Ramesh Chand, RLR 2002 (2) 656 held that once the T.I. Application u/s. 39 Rule 1 & 2 praying interim relief is rejected, the same interim relief could not be granted later by recourse of Section 151 CPC.

No interference is called for. The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-